



Family Law Act 1986

1986 CHAPTER 55

PART I

CHILD CUSTODY

CHAPTER VI

MISCELLANEOUS AND SUPPLEMENTAL

34 Power to order recovery of child.

(1) Where—

- (a) a person is required by a [^{F1}Part I order], or an order for the enforcement of a [^{F1}Part I order], to give up a child to another person (“the person concerned”), and
- (b) the court which made the order imposing the requirement is satisfied that the child has not been given up in accordance with the order,

the court may make an order authorising an officer of the court or a constable to take charge of the child and deliver him to the person concerned.

(2) The authority conferred by subsection (1) above includes authority—

- (a) to enter and search any premises where the person acting in pursuance of the order has reason to believe the child may be found, and
- (b) to use such force as may be necessary to give effect to the purpose of the order.

(3) Where by virtue of—

- [^{F2}(a) section 14 of the Children Act 1989]
- [^{F3}(b) Article 14 (enforcement of residence orders) of the Children (Northern Ireland) Order 1995,]

a [^{F1}Part I order] (or a provision of a [^{F1}Part I order]) may be enforced as if it were an order requiring a person to give up a child to another person, subsection (1) above shall apply as if the [^{F1}Part I order] had included such a requirement.

Changes to legislation: Family Law Act 1986, Section 34 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) This section is without prejudice to any power conferred on a court by or under any other enactment or rule of law.

Textual Amendments

- F1** Words in s. 34(1)(a)(3) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 13 para. 62\(2\)\(a\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)
- F2** S. 34(3)(a) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 13 para. 70](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)
- F3** S. 34(3)(b) substituted (4.11.1996) by S.I. 1995/756, [art. 12\(3\)](#); S.R. 1996/297, [para. 3](#)

Changes to legislation:

Family Law Act 1986, Section 34 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1)(ca)-(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 7](#)
- s. 2A(1)(1A) substituted for s. 2(1) by [1996 c. 27 Sch. 8 para. 37\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 19(1A)-(1C) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 8](#)
- s. 29A inserted by [2020 asp 16 s. 29\(2\)](#)
- s. 38(4) inserted by [1996 c. 27 Sch. 8 para. 37\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))